

REMARKS

Applicants respectfully submit that all the claims presently on file are in condition for allowance, which allowance is earnestly solicited.

DRAWINGS

The drawings were objected to, for including reference character 580, which is not included in the specification. Applicants have amended the related paragraph at page 15, lines 10-15 of the instant specification, to recite the reference character 580. No revision to the drawings is necessary.

CLAIM REJECTION UNDER 35 USC 102

A. The Rejection

Claims 1, 11, and 21 were rejected under 35 U.S.C. 102(b) as being anticipated by Circenis (US Patent No. 6,026,424), hereinafter referred to as "Circenis". Applicants respectfully submit that Circenis does not disclose all the elements and limitations of the independent claims 1, 11, and 21. Consequently, claims 1, 11, and 21 are not anticipated under 35 U.S.C. 102, and the allowance of these claims and the claims dependent thereon is earnestly solicited. In support of this position, Applicants submit the following arguments:

B. Legal Standard for Lack of Novelty (Anticipation)

The standard for lack of novelty, that is, for "anticipation," is one of strict identity. To anticipate a claim for a patent, a single prior source must contain all its essential elements, and the burden of proving such anticipation is on the party making such assertion of anticipation. Anticipation cannot be shown by combining more than one reference to show the elements of the claimed invention. The amount of newness and usefulness need only be minuscule to avoid a finding of lack of novelty.

The following are two court opinions in support of Applicant's position of non anticipation, with emphasis added for clarity purposes:

- "Anticipation under Section 102 can be found only if a reference shows exactly what is claimed; where there are differences between the reference disclosures and the claim, a rejection must be based on obviousness under Section 103." *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985).
- "Absence from a cited reference of any element of a claim of a patent negates anticipation of that claim by the reference." *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986), on rehearing, 231 USPQ 160 (Fed. Cir. 1986).

C. Application of the Legal Standard of Novelty

Applicants will now present arguments in support of the allowance of representative independent claim 1, and the claims dependent thereon, over Circenis.

The Examiner rejected claim 1 reasoning that:

"Regarding Claims 1, 11, and 21, Circenis discloses a method of facilitating data flow between a synchronous process and an asynchronous process, comprising:

converting an input asynchronous data flow from the synchronous process into a synchronous data flow (column 6, lines 31-33, Circenis)¹;

processing the synchronous data flow (column 6, lines 35-44, Circenis) by means of a synchronous task (column 6, lines 33-35, Circenis);

converting the processed synchronous data flow into an output asynchronous data flow (column 6, lines 50-56, Circenis)²; and

feeding the output asynchronous data flow to the asynchronous process (column 6, lines 60-67, Circenis)³."

Applicants respectfully traverse this characterization of Circenis and submit that the referenced texts of Generous (column 6, lines 31-67) do not teach all the elements of claim 1. In support of this position, Applicants submit that Circenis does not disclose a method of facilitating data flow between a synchronous process and an asynchronous process.

Applicants wish to clarify the distinction between two distinct terms that are recited in claim 1, namely "data flow" and "task". "Data flow" is defined at page 5, lines 7-9 of the specification, as follows: "Data flow should occur between two known sets of code, but with different handshake protocols." There are two types of tasks, synchronous and

asynchronous. The present invention is concerned with the synchronous tasks.

As a result, **data flow (or flow of data) must not be confused with tasks.**

With this distinction in mind, Circenis generally discloses a client process that instructs the server process to execute a task. The server process starts a timer when it begins execution of the task, to determine whether the task is of short or long duration. If the task completes before the timer reaches a predetermined value, the server process reports task completion to the client process on the open communication channel, If the task does not complete before the timer reaches the predetermined value, the server process closes the communication channel to preserve system resources and continues executing the task asynchronously. When the task is complete, the server process reopens a communication channel and reports task completion to the client process.

As a result, **Circenis' method does not facilitate data flow between a synchronous process and an asynchronous process.** Rather, the task itself and not the data flow, begins in synchronous mode and then switches to asynchronous mode when it is identified as a long duration task. (Column 6, lines 31-33, Circenis).

In addition, Circenis does not disclose "converting an input asynchronous data flow from the synchronous process into a synchronous data flow". The Examiner refers to column 6, lines 31-33 of Circenis to support the disclosure of the claim element in Circenis. However, column 6,

lines 31-33, Circenis reads as follows: "Again, a task begins in synchronous mode and then switches to asynchronous mode when it is identified as a long duration task." It is clear that Circenis switches the task but not the data flow, as recited in claim 1.

Furthermore, claim 1 makes it clear that the task is synchronous, and contrary to Circenis, claim 1 does not refer to an asynchronous task, let alone switching the synchronous task to an asynchronous task, as described in Circenis.

Applicants submit that Circenis does not teach "converting the processed synchronous data flow into an output asynchronous data flow." The Examiner refers to column 6, lines 50-56 of Circenis to support the disclosure of the claim element in Circenis. However, column 6, lines 31-33, Circenis reads as follows: "In the second step, shown in FIG. 3B, timer 320 reaches a predetermined value before task 322 finishes. Server process 302 contacts client process 300 across communication channel 318 which remained open from the first step shown in FIG. 3A and informs thread 316 that the task will continue in asynchronous mode. Server process 302 closes communication channel 318 and frees timer 320." It should be clear that this excerpt refers to the switching of the task mode but not the switching of the data flow mode.

As a result of the application of the strict legal standards of anticipation, as described above, Applicants respectfully conclude that the

independent claims 1, 11, and 21 and the claims dependent thereon, are not anticipated by Circenis.

CLAIMS REJECTION UNDER 35 U.S.C. 103

Claims 2-9,12-19, and 22-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Circenis in view of Cole (US Patent Publication No. 20020091719), hereinafter referred to as "Cole". In addition, Claims 10, 20, and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Circenis in view of Rose (US Patent No. 6,519,595), hereinafter referred to as "Rose".

Applicants respectfully traverse these rejections and submit that the cited references do not disclose all the elements and limitations of the claims on file as a whole. Consequently, the claims on file are not obvious under 35 U.S.C. 103, and the allowance of these claims is earnestly solicited.

In addition, Applicants incorporate by reference the foregoing arguments made in favor of the allowance of claims 1, 11, and 21 over Circenis, and respectfully submit that claims 2-10,12-20, and 22-30 are allowable for depending on the allowable independent claims 1, 11, and 21, as argued earlier.

Claims 2-10,12-20, and 22-30 are thus not obvious in view of the cited references, and the allowance of these claims is earnestly solicited.

CONCLUSION

All the claims presently on file in the present application are in condition for immediate allowance, and such action is respectfully requested. If it is felt for any reason that direct communication would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned at the below-listed telephone number.

Respectfully submitted,

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